

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,348

IN THE MATTER OF:

Served March 23, 2007

ANNIE GARDNER, Trading as GARDNER	)	Case No. MP-2006-115
TRANSPORTATION, Suspension and	)	
Investigation of Revocation of	)	
Certificate No. 1084	)	

This matter is before the Commission on respondent's response to Order No. 9877, served August 31, 2006.

**I. BACKGROUND**

Under the Compact, a WMATC carrier may not engage in transportation subject to the Compact if the carrier's certificate of authority is not "in force."<sup>1</sup> A certificate of authority is not valid unless the holder is in compliance with the Commission's insurance requirements.<sup>2</sup>

Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 1084 for a minimum of \$1.5 million in combined-single-limit liability coverage and maintain on file with the Commission at all times proof of coverage in the form of a WMATC Certificate of Insurance and Policy Endorsement (WMATC Insurance Endorsement) for each policy comprising the minimum.

Certificate No. 1084 was rendered invalid on July 18, 2006, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 9750, served July 18, 2006, noted the automatic suspension of Certificate No. 1084 pursuant to Regulation No. 58-02, directed respondent to cease transporting passengers for hire under Certificate No. 1084, and gave respondent thirty days to replace the cancelled endorsement or face revocation of Certificate No. 1084. Respondent submitted a \$1.5 million primary WMATC Insurance Endorsement on August 1, 2006.<sup>3</sup> The effective date of the new endorsement is August 4, 2006. This means that respondent was without insurance coverage for seventeen days, from July 18, 2006, through August 3, 2006.

Under Commission Rule No. 28, respondent is required to verify that it ceased transporting passengers for hire under Certificate

---

<sup>1</sup> Compact, tit. II, art. XI, § 6(a).

<sup>2</sup> Compact, tit. II, art. XI, § 7(g).

<sup>3</sup> The August 1 endorsement was cancelled by respondent's insurance company on August 30, 2006, effective October 4, 2006. Respondent subsequently filed an unacceptable replacement endorsement on February 13, 2007, and that latest replacement has been cancelled, as well, effective April 30, 2007.

No. 1084 as directed by Order No. 9750. Accordingly, Order No. 9877 gave respondent thirty days to verify that it ceased operations as of July 18, 2006. Inasmuch as respondent's only tariff is for service rendered to clients of the District of Columbia Department of Health, Medical Assistance Administration (DC Medicaid), such proof was to include confirmation from DC Medicaid.

## **II. RESPONSE AND DIRECTION TO SHOW CAUSE**

Respondent has yet to verify that it ceased operations within the Metropolitan District as of July 18, 2006. Further, the WMATC Insurance Endorsement currently on file for respondent is unacceptable for filing because the address for respondent on the endorsement does not match the address for respondent on file with the Commission.<sup>4</sup>

Under the circumstances, we will give respondent thirty days to show cause why the Commission should not assess a civil forfeiture and/or revoke Certificate No. 1084.

### **THEREFORE, IT IS ORDERED:**

1. That respondent shall have thirty days to show cause why the Commission should not assess a civil forfeiture against respondent for knowingly and willfully violating Commission Rule No. 28 and Commission Order No. 9877.

2. That respondent shall have thirty days to show cause why the Commission should not revoke Certificate No. 1084 for respondent's willful failure to comply with Commission Rule No. 28 and Commission Order No. 9877.

3. That respondent may submit within 15 days from the date of this order a written request for oral hearing, specifying the grounds for the request, describing the evidence to be adduced and explaining why such evidence cannot be adduced without an oral hearing.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.  
Executive Director

---

<sup>4</sup> See *In re Amna O. Abugusseisa, t/a AB & B Trans*, No. MP-03-50, Order No. 7205 (May 21, 2003) (endorsement rejected because carrier name and address on endorsement did not match name and address on file with Commission).